

ORDINANCE NO. 2004-01

AN ORDINANCE REGARDING ATTORNEY/CLIENT PRIVILEGE, WAIVER OF ATTORNEY/CLIENT PRIVILEGE, AND REQUIRED ACTION BY MAJORITY OF CITY COUNCIL MEMBERSHIP TO WAIVE ATTORNEY/CLIENT PRIVILEGE.

WHEREAS, the City Council is often placed in the position of receiving privileged and confidential information from its city attorney or other designated attorney representing the City; and

WHEREAS, communications between a client and their attorney is considered confidential under State law; and

WHEREAS, the City Council has determined that it is necessary to preserve that attorney/client privilege and to ensure that any alleged waiver of that privilege comes as a result of specific action by a majority of the entire membership of the City Council.

NOW THEREFORE, be it ordained by the City Council of the City of Somerset, Texas:

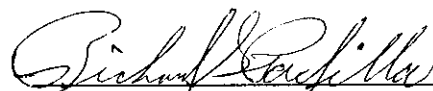
Attorney/Client Privilege

A. No waiver of the attorney/client privilege between the City Council of the City of Somerset, Texas, and its city attorney or designated attorney representing the city shall occur or be effective unless and until:

1. the issue of waiver of attorney/client privilege must first be a posted item on the City of Somerset, Texas, City Council Agenda, in accordance with the Texas Open Meetings Act;
2. the item must be fully voted upon by the Council; and
3. said waiver of attorney/client privilege shall only be effective if two-thirds (2/3) of the entire membership of the City Council in such vote shall agree to waive the privilege. Should any court find this provision to be invalid, either on its face or as applied, a majority vote shall nonetheless be required.

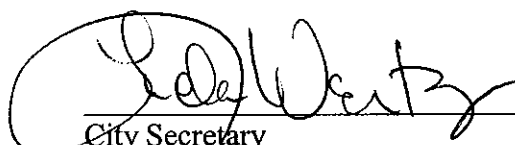
B. In no case shall any action by an individual Council member constitute a waiver of the attorney/client privilege for the City Council for the City of Somerset, Texas. The only recognized waiver of attorney/client privilege by the City Council of the City of Somerset, Texas, is the process delineated in "A."

PASSED AND APPROVED on the 22nd day of January, 2001. ⁶²⁸



Mayor

ATTEST:



City Secretary

APPROVED AS TO FORM:

George E. Hyde, City Attorney